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ABSTRACT

A rebuttal is offered to the criticisms made of the State Education Department (SED) and its Board of Regents in a program audit of the Legislative Commission on Expenditure Review (LCER). Comments of four major types are made. First, the Regents contend that the LCER report ignored many of the SED's activities in the area of instructional fixed service television, cable television, and satellite communication. Second, the Board denies the accusation that the State Education Department's programs are of poor technical quality and weak in content, and offers evidence to the contrary. Thirdly, the charge that the SED's supervision of local station operations has been minimal is countered with evidence which indicates that the Department has operated to the limits of its actual authority and resources. Finally, the Board denies the claim that there has been lack of statewide coordination of planning for educational television, citing its plans for total state support of the instructional television programing of the state's eight open circuit stations. (PB)

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Regents Statement in Rebuttal to LCER Program Audit of March 1, 1973 "Educational Television in New York State" (released 7/6/73)

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The Board of Regents has maintained long-term and well documented support of instructional technology as a vital part of contemporary education. They are, therefore, especially concerned about the general tone and content of the recently released program audit of the Legislative Commission on Expenditure Review (LCER), "Educational Television in New York State." A point-by-point analysis of errors, misunderstandings and misrepresentations in the report has been made by the Education Department and transmitted to LCER. In addition, the following succinct reaction related to the program audit summary (pp. S-1 through S-7) of the published report has been prepared. This statement is addressed primarily to the substantive issues of the report that require clarification and to the general conclusions.

At the outset, we note that although the program audit is supposedly an exhaustive evaluation of ETV in New York State to March 1, 1973, the report makes no mention of Regents Position Paper No. 17, "Instructional Technology," issued in November 1972. Although the scope of this position paper is not limited in its recommendations to educational television alone, the paper presents a broad plan for the development and use of technologies, including educational television, which the report contends is lacking. A copy of the position paper is attached.

The following comments are arranged in the same order as the program audit summary (pp. S-1 through S-7) of the report.

INTRODUCTION

The audit's limited and arbitrary categorization of ETV as either public television (PTV) or instructional television (ITV) completely ignores ongoing and developing systems of educational television which do not depend upon traditional open circuit broadcasting. These developments should be noted to illustrate the gross limitation of the study report. Since its inception in 1963, Instructional Television Fixed Service, an important complement to ETV broadcasting, has shown major growth and contribution to the development of quality education in the United States. In 1967, the National Education Association first published "ITFS -- What It Is -- How to Plan" under the editorship of the State Education Department's Chief of the Bureau of Mass Communications. This has been distributed nationwide, and in this State has led to development of this system of line-of-sight wireless interconnection of school systems, from the first experimental installation at the Plainedge (Long Island) Public

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Schools to more than ten such systems which presently serve at least 600,000 students. The advent of inexpensive video tape and cassette players has slowed down the current need to develop additional systems. However, the unique capability of the ITFS to act as a "feed-and-receive" interconnection with open circuit broadcasting, CATV and communications satellites maintains its important educational potential.

In November 1970, the Regents issued a brief "white paper" on the potential advantages of CATV for education and urged the creation of a State Commission on Cable Television, as well as the need for full information of local governments with respect to franchise terms favorable for local educational and public access uses. Such a commission was established by law on January 1, 1973 and is now developing rules and regulations, supplementing those of the FCC, many of which will lead to greater educational benefits and instructional capability.

In January 1972, the Commissioner of Education appointed an Education Department committee to investigate the potential use of experimental communications satellites for education. As a result of this committee's proposals, the Department has been provisionally granted by NASA use time of the CTS satellite (a joint U.S.-Canadian venture to be launched in October 1975) for an experiment in "Document Delivery," a greatly expanded development of the interlibrary loan and bibliographic service and for rapid duplication of hard copy research material. There is some possibility of a similar commitment in the area of nursing education and retraining.

These are major innovative steps employing the television medium for which no recognition was given in the audit.

As the audit states, the Regents have been directly involved in meeting educational needs through educational television since 1950 when they first created a committee to study the potential of the medium. Actual authorization for construction and operation of non-profit ETV community corporations was not granted until 1954, with the Regents designated as the chartering authority. The first association so chartered (1953), which still exists in its original form, was that in Schenectady. Regional councils and associations took as little as 3 years and as much as 13 years between chartering and first broadcast; the average was 7-8 years. Throughout this gestation period, the Regents continued to assist, through staff activity and with legislative appropriations, the development of facilities for closed and open circuit classroom reception, the allocation of State grants for station facilities and equipment, and the acquisition of Federal public television grants to New York State tations.

The report repeatedly faults the Regents for not adopting coordinating measures with production agencies and facilities

over which, in fact, they had no control. At no time were the Regents given any responsibility for development of SUNY television facilities or for WNYE (Channel 25), except, in the latter case, for assistance in the assignment of a Federal grant and in 1963-64 of a State matching capitalization grant. WNYE, incidentally, is not chartered by the Regents and is 95% supported by New York City Board of Education funds. It is, therefore, invalid to compare this station's operations with those of the other public television stations about the State which as shown by the statistically inaccurate chart on p. S-1, are funded by both public and private sources.

The previous historical summary should serve to indicate that the State's public television network did not spring forth full blown with the first legislative authorization and that, because of FCC regulations which control the responsibility of the individual licensee and because of continuing fiscal constraints, the Regents have had but limited authority to integrate the open broadcast activities on a Statewide basis.

INSTRUCTIONAL TELEVISION

The educational contributions of ITV for elementary and secondary classroom purposes were progressively developed in New York State from experimental beginnings in 1958, through SED action, through development of BOCES-related programs, and through the cooperative efforts of ITV school committees working with the schools and the ETV councils. It is, however, undeniable that the demand for individual stations and copies of State materials for open circuit usage peaked in 1967 and fell off until 1972. This is due to a number of reasons, not all recognized by LCER.

1. Beginning in late 1968, local school and BOCES financial support of open circuit ITV services declined drastically, largely a result of priority decisions based on fiscal constraints.

2. With some exceptions, the programming, from whatever source, was generally no longer stimulating or innovative to increasingly sophisticated tastes. In large part, this was due to limited amounts of money available for software. Outstanding programs like Sesame Street, The Underwater World of Jacques Cousteau, Masterpiece Theater, and America have outstanding budgets, not only for actual production (even more for color) but also for developmental and evaluative conception, implementation, and on-camera talent. Small staffs and small production facilities cannot develop the desired high level of quality desired. Individual-consortia arrangements to produce attractive and

stimulating programming for instructional broadcast and use have only been put together in the past two or three years.

3. Competing internal distribution systems increased from 1967 on, as did ITFS systems.

4. Technological developments have reduced the cost of high quality individual video tape players by a factor of at least 15x. This means that the schools can use video materials of their own choosing at the optimum classroom time. From 1969 to 1971, while the use of broadcast services was declining, the use of the Department's video tape library by schools and BOCES almost doubled (from 2991 to 5649 requests).

5. As indicated in the audit, illegal off-air video taping of open broadcast material proliferated. The report seems to shrug this off as a Federal copyright problem. However, it did effect the ETV councils' operation adversely and when combined with local school budget paring, resulted in a reduced monetary return for ITV services rendered by the ETV stations.

Realizing these problems, the Legislature in 1973, acting on advice of the Education Department and the public television stations, approved assumption of school television services as a State expense beginning with the current school year. The issues raised in the report regarding instructional television appear to be resolved in part by this legislative change.

Another innovation proposed by the Department and in the early stages of development is the program known as ICEIT (Increased Cost Effectiveness in Instruction Through Technology).

As summarized by LCER (p. S-4), ICEIT "proposes that half the school day be devoted to high content, high appeal television instruction in order to save an estimated 25 percent of annual teacher salary costs". This program, which had not been State funded as of the date of the audit (but is now) has strong promise for the use of video cassettes and television receivers for direct instruction.

The section under the topic "Instructional Television" dealing with "support services", (p. S-3) is remarkably inaccurate in its negative statements and implications. The record must be corrected.

Projects of the Bureau of Mass Communications are conducted in response to and in recognition of a wide variety of learning needs. These projects include the support of ETV councils (the

public television stations); consultation for development of interinstitutional electronic systems and services at the post-secondary level; direct guidance and planning assistance to all potential educational users of cable television systems, ITFS systems and more recent mass media developments including space satellites; and production, acquisition and duplication distribution of instructional materials.

Programs on reading, the arts, drugs, the environment and other areas of social and educational concern, as well as cultural, and general informational programs are produced by the Bureau. In addition, program series of direct educational value are acquired gratis from commercial networks under Programming Aid From Commercial Television (Project PACT). These and other holdings accounted for more than 6,000 program distributions made last year by the Bureau's Media Duplication and Distribution Service.

The LCER report, without documentation, severely criticizes the content and technical quality of the tapes duplicated from masters in the Department's tape library. In the body of the report, it ascribes to the State ETV councils the criticism that the "departmental policy of contracting with non-New York State groups for production or acquisition of programs...limits PTV stations to provide input on the selection and content of programs offered for broadcasting by the Education Department (and that)... the stations feel that if State funds are available, they should be channeled to the PTV stations to foster development and improvement of capabilities."

These points reveal a gross misunderstanding of the Bureau's history and present role.

1. Departmental production funds were first requested because in 1965 the ETV councils asked that State funds provided to them by SED no longer be distributed to the councils on the basis of programs they produced. At that time, the entire holdings of the Department's video library came to the Department from the councils, so that when the duplication and distribution service began, the original master holdings were already well-worn from use and reuse. No new programs were added to this library until FY 1967-68, when for the first time a State budget was provided for such purposes. By 1972 as much as 40% of the earlier programming of the library had been withdrawn from use because of poor content and technical quality. In contrast, nearly all programs produced originally by the Department since 1968-69 are in the library and continue to be used. Nevertheless, the Bureau has been faced with the dilemma of withdrawing

old programs, still in demand by schools, without having available higher quality programs to substitute.

2. The unsubstantiated claims of technical problems in State-supplied duplicated tapes are not borne out by extensive clientele canvass and usage.

3. The video library serves educational needs at many levels. Material produced which may be "esoteric or discussion oriented" (in the report's terms) is not intended for elementary or middle school use - it is developed intentionally for instructional and cultural purposes for upper secondary, postsecondary or adult learning use, where it has been found to be most acceptable.

4. Programs are produced or acquired which meet needs dictated by overall Regents educational priorities and are developed with the advice of Departmental professionals who help set the content on the basis of their experience and their contacts with other educators about the State.

5. The purpose of a State budget for production is solely to provide the most economical way of producing material for use throughout the State. It is not intended to be part of council support. The councils have had and continue to have the same opportunity for production as commercial and other educational producer counterparts. The fact is, that for programs developed during 1971-72 through consortia arrangements for production (developed by the Bureau with various agencies), the State cost per program ranged between 20 to 50% of estimated council costs for producing similar programs. Programming valued at $902,000 was achieved at a cost to the State of $178,000 - a 5 for 1 bargain! Incidentally, all producers except one were New York based.

6. It should be noted that in FY 1971-72, the Bureau produced 42 programs (not seven as reported in the body of the report) and acquired at least 72 more through Project PACT.

7. Contrary to the statement in p. S-7 (and Table S-2) that "the nature and technical quality of (the Bureau's) productions often renders them unsuitable for PTV station consumption," we offer the following hard statistics for the year in question (1971-72):

Video tape use by ETV councils	964
Video tape use by Network Operations Center serving all councils	129
Nonpublic school ITFS system users	790
TOTAL	1,883

An appropriate upgrading of Table S-2, indicating the number of stations using SED programs, would find that for 1973-74 the New York Network serving all eight of the public television stations will be using seven series from the holdings of the State Education Department. These seven series with the repeat broadcasts programmed by the Network and the council stations account for 14% of the total ITV programming to be made available by open circuit broadcasting by the Network.

PUBLIC TELEVISION

The final specific criticism for which the Regents wish to correct the record has to do with "station oversight" in which it is claimed that "Supervision...has been notably weak."

1. The audit states: "The SED did not issue procedures for station fiscal and operational oversight until after a severe fiscal crisis at WSKG in Binghamton forced them to do so in 1971 (correct date 1970), twenty years after statutory authority." (italics, this statement)

   Let us refer to the audit's "Chronology of ETV Operations in New York State" (Appendix B).

   a. 1954 - Legislation implementing the community station concept was passed and signed into law as section 236 of the Education Law (16 years before promulgation of Regents Rules).

   b. 1961 - Regents chartered the Southern Tier ETV Association in Binghamton (9 years before).

   c. 1968 - Southern Tier ETV Association began operating WSKG (1 year before the "fiscal crisis").

   d. 1969 - Special legislative appropriation of $100,000 approved in order to keep WSKG from ceasing operation because of fiscal crisis.

   e. 1970 - Regents formalized existing procedures and added new rules to require the Educational Broadcast Councils or Association trustees to have full information on the corporation's financial condition.

Contrary to the LCER claim, an annual report of activities and finances has always been a standard part of every contract with each ETV council. The content of these reports has been constantly refined in order to insure a response to reasonable state information needs and to protect the autonomy of each licensee as required by the FCC. To suggest that such was not the case ignores the basic management principles followed by the Department. Part of this management procedure is to reserve the right to require a State audit should this be deemed necessary. During the LCER study, the LCER staff examiner was informed that until a capital grant was made to the Binghamton station to commence operations through the rental of station and transmitting site facilities, no reasonable requirement or opportunity for such a detailed audit existed. He was also informed that such an audit of the Binghamton ETV Council had been requested by the Bureau in 1965 and every year thereafter until 1969 when SED was informed the State audit services would not be immediately available, and so an audit by a CPA acceptable to the State was arranged. In addition, a team of out-of-state engineering and managerial programming experts was engaged by the State Education Department to visit the site.

The report fails to note that:

a. "The change in station leadership" and the entire ability of the station to recover was due directly to the SED investigation and continuous on-site assistance.

b. Within three days of the start of the SED team investigation, the Department began to intercede to keep the station "on the air" and the channel intact for educational use. It also arranged on less than 24 hours notice to get Federal approval to relocate the station's transmitter and requested a temporary waiver of an FCC revision of the initial Construction Permit.

c. SED personnel carried on persuasive and individual informal negotiations to have the operation site moved to a local school at no rental charge.

We believe that, contrary to the audit's unfair criticism, the SED and the Regents should be cited for reasonable and firm oversight in the face of local malfeasance and inadequate support and for the constructive measures taken in concert with legislative leaders to preserve PTV services for the people of the Southern Tier.

The Department and the ETV councils foresaw the need for a uniform accounting system as early as 1968 and in 1969 hired Price Waterhouse and Co. to recommend standard accounting procedures. At that time, there was no standard for reporting PTV budgets anywhere in the nation.

All of this is hardly a record of weak supervision. Such a statement indicating limited investigation by LCER and the following one which stated that "The SED does not have a systematic procedure for monitoring, evaluating and planning Statewide programming and production which encourages development of a high quality local orientation or statewide utilization" are naive and misinformed, resulting from a lack of knowledge that the operation of open circuit broadcasting stations is governed by rules and regulations of the FCC alone. This points up internal ambiguity in the LCER report, for the audit clearly recognizes with respect to SUNY operations (p. 34), "The PTV stations of the State exercise the dominant role in deciding the types of programs to be transmitted. This policy was established in early 1967 and is not an abrogation of responsibility by SUNY but rather a simple acceptance of fact." (italics this report)

THE FUTURE OF ETV

With respect to the concluding section, "The Future of ETV," the criticism relating to apparent lack of statewide coordination leading to unsatisfactory programming has been amply rebutted in the foregoing. Finally, it is clear that the Regents have (contrary to the claim) evaluated, defined and planned the comprehensive utilization of the State's multi-million dollar investment in classroom and public television - to the limit of their actual authority and means. The conclusion that the "PTV stations, schools and BOCES, the Education Department and the State University operate as uncoordinated entities" is partly a misstatement of fact and partly, to apply the SUNY section of the audit, "not an abrogation of responsibility (by the Regents) but rather a simple acceptance of fact." The last entry in LCER's "Chronology of ETV Operations in New York State" brings the history of participation up-to-date.

> "1973 Executive Budget proposes that ETV councils grant administration be transferred from Education Department to State University and be increased by $3.5 million to replace instructional TV assessments of local school districts.* In March, Legislature proposes: to cut $3.5 million request by $1 million; to keep ETV council aid program in Education Department, but channel aid through newly created "I.T.V. councils;" and to transfer the New York Network from SUNY to the Education Department.* On April 10, the Governor vetoes the proposed transfer of the New York Network."

The section of the report captioned "The Future of ETV," does not take into account the proposed restructured plan for total State support of the ITV programming of the eight open circuit stations which was later implemented by the 1973 Legislature. Nor does this section of the report deal realistically with the entire question of television utilization. By implication, such utilization is confined only to the classroom and to BOCES boards. A careful look at the proposed plans by both the Regents and public, private and parochial schools would find ample recommendations for a total learning approach to media materials. The autonomy of school systems as required by boards of education, the recommendations or means of implementing usage of media and non-media materials and the all-over approach to decentralization of total learning systems for individual community application must enter into any planned utilization of materials for learning. To suggest that these can be lock-stepped, made mandatory and can disregard local level planning seems inappropriate to the State Education Department.

The Regents would welcome the opportunity to implement their long-range plans for instructional technology as stated in the conclusion of their position paper of November 1972.

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